

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY ZEGAR,

Defendant.

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Case No. 23-03016-CR-S-MDH

ORDER

Before the Court is Defendant's Motion to Dismiss. (Doc. 32). The motion has been fully briefed. The U.S. Magistrate Judge Rush has submitted a detailed and thorough Report and Recommendation recommending that the motion be denied. (Doc. 39). Defendant has filed objections to the R&R. (Doc. 42). The matter is ripe for review.

Defendant has been charged by indictment with one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(8). Defendant moves to dismiss the indictment arguing Section 922(g)(1) is unconstitutional as applied.

After a careful and independent review of the record before the Court and the parties' briefing, as well as the applicable law, this Court agrees with and hereby **ADOPTS and INCORPORATES** the Report and Recommendation of the United States Magistrate Judge (Doc. 39). The Court **DENIES** Defendant's Motion to Dismiss. (Doc. 32).

IT IS SO ORDERED.

Date: November 20, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE